

**Notice of Allowability**

Application No.

09/425,015

Examiner

Davienne Monbleau

Applicant(s)

OHMI ET AL.

Art Unit

2878

PW

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 1/9/04.
2. ☒ The allowed claim(s) is/are 14-40.
3. ☒ The drawings filed on 25 October 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

**EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE**

***Response to Amendment***

The amendment filed on 1/9/04 has been entered. Claims 17-19, 22-24, 30, 31, 34, and 35 have been amended. Claims 17-40 are pending.

Applicant's arguments filed on 1/9/04 have been carefully considered and found persuasive in light of the corresponding amendment. In particular, the Applicant argues on page 8 that the cited prior art of record do not teach a laser in which the "gas can be alternately supplied in different directions in the gas supply structure in which first and second ports are symmetrically arranged with respect to the throat center". Although the cited prior art may suggest a symmetric convergent-divergent nozzle (*Ando* Figure 1), there is no teaching that the gas may be directed through said nozzle in either direction. This is not an obvious modification because a laser assembly is not automatically configured to function with a reverse gas flow.

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The amendment to Claim 17 corrects a spelling error only. The amendment to Claim 30 is a grammatical change to keep the organization of the claim consistent with Claim 17.

The application has been amended as follows:

Claim 17 line 8: change "speed of second" to -- speed of sound --.

Claim 30 line 9: after "to excite the laser gas" add -- ; and --.

***Allowable Subject Matter***

Claims 17-40 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding Claims 17-29, the cited prior art of record does not teach or fairly suggest an excimer laser comprising, along with the other claimed features, a first port serving as a first fluid inlet and a second fluid outlet, a second port serving as a second fluid inlet and a first fluid outlet, and a gas supplier capable of supplying a laser gas into the gas supply structure in two directions such that a flow of the laser gas supplied in either of said two directions is less than a speed of sound at the throat portion.

Regarding Claims 30-40, the cited prior art of record does not teach or fairly suggest an excimer laser comprising, along with the other claimed features, a first port serving as a first fluid inlet and a second fluid outlet, a second port serving as a second fluid inlet and a first fluid outlet, and a gas supplier capable of supplying a laser gas to the first or second fluid inlet.

The advantages of these features are in the specification on pages 1-14.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 571-272-1945.

The examiner can normally be reached on Mon-Fri 9:00 am to 5:00 pm.


Art Unit: 2878

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Danielle Monbleau*

DNM

  
**DAVID PORTA**  
**SUPERVISORY PATENT EXAMINER**  
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